

ESTTA Tracking number: **ESTTA625270**

Filing date: **09/04/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	CBS Studios Inc.
Granted to Date of previous extension	09/07/2014
Address	4024 Radford Avenue Studio City, CA 91604 UNITED STATES
Attorney information	Mallory Levitt CBS 51 West 52nd Street New York, NY 10019 UNITED STATES mallory.levitt@cbs.com, shirley.ramos@cbs.com, trademarks@cbs.com

Applicant Information

Application No	85737220	Publication date	03/11/2014
Opposition Filing Date	09/04/2014	Opposition Period Ends	09/07/2014
Applicant	Theranos, Inc. 1601 S. California Avenue Palo Alto, CA 94304 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Biological and chemical preparations, namely, antibodies for clinical, medical or veterinary use to detect and analyze substances; diagnostic kits for medical or veterinary use, comprised of medical diagnostic reagents and assays for testing blood and other body fluids; diagnostic preparations for medical or veterinary purposes; testing kits comprised of medical diagnostic reagents and assays for testing bodily fluids; medical diagnostic test kits comprised of reagents and assays for testing of body fluids; medical diagnostic and monitoring test strips for use in the detection of a wide variety of diseases and health conditions; test strips for medical analysis of blood and other body fluids

Class 009. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Computer software for healthcare monitoring; computer software for medical diagnostics testing and monitoring and for communicating medical test results to patients and service providers in the medical and healthcare fields; computer software for use in bio monitoring of humans and of animals; computer software for medical monitoring and analysis of medical data; computer software for controlling the operation of medical test equipment and test results; computer software for analysis of body fluids; computer software for communication and data transfer between health care professionals and patients; computer hardware; mobile electronic devices, namely, personal digital assistants, tablet computers, mobile phones, smart phones, and

other cellular or wireless communication devices for voice, data or image transmission; portable bio monitoring devices not for medical purposes; electronic publications, namely, downloadable newsletters in the field of medical diagnostic testing, downloadable e-zines, magazines, books, manuals, pamphlets, and journals, all in the fields of healthcare, medicine, personal health and fitness, bio monitoring, medical diagnostics, monitoring and testing; electronic diaries; laboratory apparatus, for use in medical laboratories, for analysis of body fluids and tissue

Class 010. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Medical devices, namely, portable bio monitoring devices; medical devices, namely, point of care and handheld devices for analysis of drugs, proteins and other substances, and wireless transfer of medical data; medical measuring apparatus, namely, equipment for medical monitoring and analysis of body fluids and tissue; medical measuring apparatus, namely, cartridges for use with therapies or equipment for medical monitoring and analysis of substances; apparatus for blood analysis; apparatus for taking blood samples; blood testing apparatus; apparatus for urine analysis for medical diagnostics, monitoring and reporting; medical diagnostic, monitoring and reporting apparatus for biological tissue or fluid analysis; apparatus for clinical diagnosis; containers especially made for processing blood samples for medical purposes; devices for monitoring blood sugar; electronic diagnostic apparatus, namely, analytic apparatus for the detection of a wide variety of diseases; health monitoring devices, namely, personal medical monitors of blood pressure, pulse, and blood oxygen, blood glucose, blood composition, cholesterol and temperature for monitoring a wide variety of physical conditions and diseases; medical diagnostic apparatus, namely, blood pressure, pulse, and blood oxygen, blood glucose, blood composition, cholesterol and temperature monitors for diagnosing a wide variety of physical conditions and diseases; medical apparatus and instruments for monitoring blood properties; medical devices for obtaining body fluid samples; medical monitors for monitoring a wide variety of physical conditions and diseases, namely, individualized, electronic monitors for measuring biochemical, hematological, neurological, pulmonary, muscular and cardiac activity; home or portable monitors for monitoring a wide variety of physical conditions and diseases, namely, individualized, electronic monitors for measuring biochemical, hematological, neurological, pulmonary, muscular and cardiac activity; medical apparatus in the nature of mobile electronic devices, namely, testing, monitoring and reporting devices for medical and healthcare purposes for individualized medicine and healthcare; portable bio monitoring devices for medical purposes

Class 035. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Compiling of information into computer databases; management and compilation of computerized databases; providing an internet-based database of patient medical information designed to facilitate sharing and maintenance of patient medical information between and amongst the patient, insurers and healthcare professionals providing services to the patient

Class 042. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Medical and scientific research services in the fields of blood analysis healthcare and health care monitoring; blood analysis services; chemical laboratories; biological research; biomedical research; laboratory research in the field of chemistry, biochemistry, biology, health and medicine; medical laboratories; medical laboratory services; scientific laboratory services; providing a web site featuring technology that enables patients, physicians, insurers and other healthcare providers to generate, manage and exchange medical information


Class 044. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Medical evaluation services; medical evaluation services, namely, assessment of patients undergoing medical treatment; medical diagnostic monitoring services; medical monitoring services, namely, monitoring the efficacy of therapy and total patient or consumer health; medical diagnostic testing, monitoring and reporting services; collection and preservation of human and animal blood; consulting services in the field of health; consulting services in the field of diagnostic medical testing; consulting services in the fields of health and healthcare; drug use testing services; drug, alcohol and DNA screening for medical purposes; health assessment services; health care; maintaining patient medical records and files; medical counseling; medical information; medical screening; medical services; medical testing for diagnostic or treatment purposes; providing a web site featuring medical information; providing a website featuring health and healthcare information; internet-based health care information services; providing health information; providing healthcare information

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4194205	Application Date	01/06/2012
Registration Date	08/21/2012	Foreign Priority Date	NONE
Word Mark	TRICORDER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 1994/12/31 First Use In Commerce: 1994/12/31 model toy multifunctional handheld device used for sensor scanning, data analysis, and recording data		

Attachments	85510404#TMSN.png(bytes) [Untitled].pdf(2338809 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/ml/
Name	Mallory Levitt
Date	09/04/2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL APPEAL BOARD

In the Matter of Application Serial No. 85/737,220 Published March 11, 2014

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CBS STUDIOS INC.,	:	
	:	
Opposer,	:	
	:	
-against-	:	NOTICE OF OPPOSITION
	:	Opposition No.
THERANOS, INC.,	:	
	:	
Applicant.	:	
-----X		

CBS Studios Inc. ("Opposer"), a Delaware corporation, with its offices at 4024 Radford Avenue, Studio City, CA 90036, hereby opposes the application of Theranos, Inc. ("Applicant") for registration of the trademark THERANOS TRICORDER bearing Serial Number 85/737,220, published March 11, 2014, for goods and services in Classes 5, 9, 10, 35, 42 and 44 and set forth in detail on the attached **Exhibit A** (the "Application").

Opposer believes that it will be damaged by registration of the mark shown in the Application and opposes on the following grounds:

The STAR TREK Franchise

1. Opposer is, and has been for many years, engaged in the business of producing audio visual entertainment programs, and exploiting the rights in those properties worldwide. Among the audiovisual entertainment programs produced and distributed by Opposer, and its predecessor, Paramount Pictures Corporation, are the well-known television programs "STAR TREK", "STAR TREK: The Next Generation", "STAR TREK: Deep Space Nine" and "STAR TREK: Voyager", "STAR TREK: Enterprise," "STAR TREK The Animated Series" as well as twelve "STAR TREK" motion pictures, the most recent of which was released worldwide in May 2013 with the next film currently in development (collectively, the "STAR TREK Productions").

2. Since the introduction of the original series in 1966, the STAR TREK Productions have achieved enormous popularity. The STAR TREK Productions have been viewed by millions of people on television in more than 100 domestic markets and seventy-five countries worldwide, as well as in movie houses and on video cassettes (and related technology). Similarly, printed matter (including novels and fan publications), audiotapes and videotapes and DVDs based on the

STAR TREK Productions have achieved widespread circulation and popularity. Furthermore, sales of merchandise tied to the STAR TREK Productions have exceeded US\$1 billion over the decades.

3. Indeed, many of the STAR TREK Productions are currently broadcast or have been broadcast throughout the United States on a variety of networks including, but not limited to, TV Land, Spike TV, G4 and various cable networks. The STAR TREK Productions continue to be licensed for distribution and exhibition worldwide.

4. The STAR TREK Productions are available in a variety of formats including, but not limited to, VHS, DVD, Blue Ray discs and downloadable streaming content on Cbs.com and on numerous licensed partner websites such as TV.com, Amazon.com, Netflix.com and Hulu.com, among many others. Millions of units of the STAR TREK Productions have been sold worldwide to date.

5. The fame of the STAR TREK Productions has led to a “STAR TREK culture.” For example, there are STAR TREK fan clubs throughout the U.S and in countries worldwide. There are STAR TREK conventions held regularly worldwide. There are many fans-sponsored websites, blogs and bulletin boards online, in addition to Opposer’s official websites at www.startrek.com and www.startrekonline.com. Fans coined the term “trekkies,” that term appears in the *Oxford English Dictionary*, and the fan subculture was documented in the 1997 film called “Trekkies.” In 1976 following a letter writing campaign, NASA® named its prototype space shuttle ENTERPRISE, after the fictional ship from the STAR TREK Productions.

6. Opposer and its predecessor have and continue to license the rights to the STAR TREK properties in connection with events, exhibits and activities where consumers are exposed to the STAR TREK brands. For example, there are official STAR TREK conventions held regularly worldwide. Millions of people have visited and continue to visit the official STAR TREK exhibit at the Smithsonian Institute National Air and Space Museum in Washington, D.C. Many more continue to attend the travelling exhibit “STAR TREK: The Tour” (also known as “STAR TREK: The Exhibition”), which features interactive sets and attractions, costumes and props. This travelling exhibit has journeyed throughout Europe, Singapore, Taiwan, British Colombia, Canada and the U.S. including Long Beach, CA, San Diego, CA, Phoenix, AZ, Detroit, MI, Philadelphia, PA, Los Angeles and San Jose, CA, Louisville, KY, Kennedy Space Center in FL, St. Louis, MO and Vancouver, Phoenix, AZ, the Mall of America in Bloomington, IN. In

1998, "STAR TREK: The Experience" launched as a \$70 million, 65,000 square foot interactive attraction at the Hilton Hotel in Las Vegas featuring rides, a museum, restaurant and store selling licensed merchandise tied to the STAR TREK Productions, including collectibles offered under the STAR TREK marks and family of marks. The attraction remained open for 10 years, and more than 4 million visitors attended from across the U.S. and many international countries. In October 2006, Opposer and Christie's New York hosted an official auction of more than 1000 never-before-released archives of Opposer celebrating 40 years of STAR TREK and encompassing costumes, props, weapons, set designs, detailed models of the ships, among many other items including the original TRICORDER stage props. The town of Vulcan in Alberta, Canada operates a STAR TREK-themed tourist station and displays STAR TREK memorabilia. Vulcan also hosts an annual community-wide STAR TREK convention known as Spock Days. This convention attracts STAR TREK fans and non-fans alike from around the world, and in June 2014, the 22nd annual event was broadcast live on <http://www.vulcantourism.com>. In August 2013, Vulcan opened the Trekcetera Museum, which boasts STAR TREK memorabilia and artifacts such as on-screen props and costumes from the STAR TREK Productions and sells licensed merchandise such as licensed STAR TREK products and TRICORDER props.

The STAR TREK Family of Marks and the TRICORDER Mark

7. Opposer is the owner of rights in and to the STAR TREK Productions, including numerous trademarks in the elements of the STAR TREK Productions such as the series' titles, characters' names, fictional races, slogans, props, gadgets and paraphernalia appearing therein.

8. Opposer owns trademark registrations and applications worldwide for the STAR TREK mark and a "family" of marks related thereto and derived therefrom (the "STAR TREK Marks").

9. Among the "family" of STAR TREK Marks is the mark TRICORDER (the "Mark"). The Mark is a coined term for the fictional handheld devices first introduced during the Original Series in 1966 to scan and scout unfamiliar territory and to help diagnose diseases and collect bodily information about patients. Opposer and its predecessor have consistently used the Mark in the Star Trek Productions and/or promotion thereof.

10. Annexed hereto as **Exhibit B** is a copy of U.S. Registration No. 4194205 for "Model toy multifunctional handheld device used to sensor scanning, data analysis and recording

data” in Class 28. Annexed hereto as **Exhibit C** is a list of Opposer’s numerous other pending U.S. applications for the Mark in Classes 5, 9, 10, 41, 42 and 44. In addition, CBS Studios owns registrations and pending applications for the Mark in Australia, Canada, CTM, France, Germany, Hong Kong, Iraq, Italy, Japan, South Korea and the United Kingdom for a variety of goods and services.

11. Since its introduction in the Original Series, the Mark has appeared in the STAR TREK Productions, extensively in interstate commerce since at least as early as 1966 in connection with the STAR TREK Productions and to date, and since at least as early as 1974 in connection with Opposer’s merchandising program and advertising, marketing and promotion thereof. The Mark has acquired strong secondary meaning in the minds of consumers and as affiliated with the source and origin of the STAR TREK Productions, namely Opposer.

Licensing and Merchandising

12. Opposer is and has been for many years engaged in the business of using and licensing to others the right to use titles and other elements of its audio visual entertainment programs in connection with various products and services. This practice of licensing elements from a famous television and film property is commonplace and well known to the general public and throughout the industry in general. The Mark has been used and will continue to be used by Opposer in connection with its licensing program.

13. Opposer has developed widespread public recognition with regard to the merchandising featuring the STAR TREK Marks worldwide. Department stores, mass merchants and specialty stores sell STAR TREK-related toys, gifts, collectibles, computer and video software, novelizations, comic books, magazines, posters, apparel, among many other items. Indeed, Opposer’s licensee, Simon & Schuster, Inc.’s Pocket Books® imprint has published more than six hundred (600) titles relating to the STAR TREK Productions and movies to date. The STAR TREK books have been translated into more than fifteen (15) languages to date including Chinese, Hebrew, Norwegian and Hungarian, among others. As a result of Opposer’s extensive licensing and marketing efforts, Opposer and its numerous licensees have sold over \$1 billion of STAR TREK-related merchandise over the past forty years. Accordingly, Opposer has built up goodwill of great value in the STAR TREK Marks.

14. For several decades, Opposer has licensed, marketed and sold in interstate commerce numerous products bearing the STAR TREK Marks for a variety of goods including picture frames, key chains, money clips, card holders, metal banks, magnets, computer accessories, night lights, decorative pins, cufflinks, clocks, U.S. postage stamps, posters, stationary, pens, checks, stickers, bumper stickers, decals, comic books, calendars, photographs, trading cards, tote bags, luggage tags, belts and buckles, house wares, glass ware, flags, banners, textiles, clothing, hats, costumes, puzzles, board games, slot machines, snow globes, action figures, bobble heads, balloons, foam models, dolls, prop replicas and statues, caskets, urns and monuments, and food and beverages.

15. Since the 1970s, Opposer has licensed products bearing the Mark including model kits and toys featuring a handheld device used for sensors, scanning, and data analysis and recording data. Opposer's first official licensee of the TRICORDER device was in 1974 with a model kit sold by AMT. Since then there have been numerous other licensees, as well as fans that created many forms and promoted their wares at conventions and via mail order catalogues. Since the 1990s, sales of the various TRICORDER products have exceeded \$1.5 million in revenue. Sales of TRICORDERS continue worldwide to date.

16. In 2011, Opposer licensed rights to the Mark in connection with a worldwide competition offered by non-profit organization X Prize Foundation, which launched at the Consumer Electronics Show in 2012 (the "Competition"). X Prize Foundations is a world-renowned organization that creates incentivized competitions to motivate individuals, companies and organizations across all disciplines to develop innovative ideas and technologies that help solve the grand challenges that restrict humanity's progress worldwide. The \$10 million Competition entitled "Qualcomm TRICORDER X Prize, sponsored by Qualcomm and promoted at www.qualcommtricorderxpreize.org, is intended to stimulate innovation and integration of precision diagnostic technologies, making reliable health diagnoses available directly to health consumers, or a real live TRICORDER device. The Competition is global and more than 300 teams from around the world initially signed up. The list was whittled down to 21 teams from the U.S., India, the Netherlands, Slovenia, Canada, United Kingdom, South Korea, Poland and Taiwan, and more recently to 10 finalists were chosen from the U.S., Canada, India, Taiwan, Slovenia and the U.K. to turn science fiction in reality with a STAR-TREK inspired device that will be putting healthcare in the palm of users' hands. Opposer continues to license its rights in

and to the STAR TREK Marks and Mark for goods and services such as a device discovered and licensed to use the TRICORDER Mark as a result of the Competition. We expect the resulting products and services are closely related to Opposer's existing rights and/or within its reasonable zone of expansion. In fact, Opposer has filed trademark applications in the U.S. and numerous other territories to protect the TRICORDER Mark. In the U.S., the applications cited in Exhibit C have all received suspension notices from U.S. Patent and Trademark Office based on Applicant's prior-filed Application.

17. As a consequence of the extensive and continuous use of the Mark by Opposer long prior to both the filing of the Application and any use or proposed use by the Applicant of the mark covered by the Application, Opposer's STAR TREK Productions, the STAR TREK Marks and the Mark have acquired enormous value and achieved vast public recognition in connection with a variety of goods and services. As a result, the TRICORDER Mark has become a famous mark within the meaning of Section 43(c) of the Lanham Act long prior to Applicant's filing of the Application or any use or proposed use of the mark set forth in the Application.

Applicant's Mark and Harm to Opposer

18. On or about September 24, 2012, Applicant filed the instant Application in the U.S. Patent and Trademark Office.

19. Said Application is based on Applicant's stated intent to use the mark THERANOS TRICORDER in commerce on or in connection with the goods and services covered by the Application, which are closely related to Opposer's goods and services and/or within Opposer's zone of expansion, and on information and belief, Applicant has not yet made use of this mark in the U.S.

20. On information and belief, based on the fame of Opposer's STAR TREK Marks and Mark, Applicant had knowledge of Opposer's Mark when it filed the Application and intends to employ Opposer's Mark and misappropriate Opposer's substantial goodwill, reputation and consumer recognition associated with the STAR TREK Productions, STAR TREK Marks and related goods and services.

21. Applicant's mark incorporates Opposer's Mark TRICORDER and connotes the same commercial impression. As such, Applicant's use or proposed use of this mark creates a likelihood of confusion between Opposer and Applicant. Adding Applicant's corporate name

identifier to its mark does not eliminate such likelihood of confusion with Opposer's coined and famous Mark. In fact, the U.S. Patent and Trademark Office has suspended the Opposer's pending applications listed in Exhibit C citing potential likelihood of confusion with Applicant's prior-filed Application.

22. Applicant's mark, used in connection with Applicant's goods and services, falsely suggests a connection with Opposer within the meaning of Section 2(a) of the Lanham Act.

23. On information and belief, Applicant intentionally and knowingly made false, material representations of fact in filing the Application with an intent to defraud the Office, when Applicant signed a sworn statement stating that to the best of Applicant's "knowledge and belief, no other person, firm or corporation has the right to use said mark in commerce in either identical form or in such near resemblance thereto as may be likely, when applied to the goods or services of such other person, to cause confusion, to cause mistake, or to deceive." Applicant's sworn statement is false, on information and belief, since Applicant knew that Opposer had exclusive right to use the Mark in commerce in connection with goods and services closely related to and/or with Opposer's zone of expansion as to Applicant's proposed goods and services covered by the Application.

24. Given the renown of the STAR TREK Productions, the extensive and continuous use of the STAR TREK Marks and the Mark by Opposer and its licensees in connection with a variety of goods and services, and the widespread public identification of the Mark with Opposer, its services and related merchandising, it is extremely likely that a prospective purchaser faced with Applicant's goods and services utilizing the TRICORDER mark would be confused and would be otherwise likely to assume, erroneously, that Applicant's use of this mark for its products and services is done so with Opposer's authorization, approval, license or sponsorship.

25. Applicant's goods and services are likely to cause harm to Opposer's reputation and adversely affect the sale of Opposer and its licensees' existing and future goods and services.

26. Applicant will improperly benefit if permitted to proceed with the Application, as the Applicant and the Application will continue to be falsely associated with Opposer, the STAR TREK Productions and the Mark and the substantial goodwill and recognition thereof.

27. Registration and use of the Applicant's mark will therefore dilute the value of the famous Mark and lessen the capacity of Opposer's Mark to identify and distinguish Opposer's goods and services.

28. For the reasons set forth above, registration of the Applicant's mark would be inconsistent with Opposer's prior and superior rights in the Mark, as well as inconsistent with Opposer's statutory grant of exclusivity to use its Mark.

29. Accordingly, as a result of the foregoing, Opposer would thus be seriously injured by the granting of a certificate of registration to Applicant for the mark THERANOS TRICORDER covered by the Application because when used in connection with Applicant's goods and services, such mark:

- (a) would be likely to cause confusion, or to cause mistake, or to deceive in violation of Sections 2(d) and 13(a) of the Lanham Act, 15 U.S.C. §§ 1052(d), 1063(a);
- (b) would falsely and erroneously suggest a connection with Opposer in violation of Section 2(a) of the Lanham Act, 15 U.S.C. §§ 1052(a);
- (c) would tend to damage and interfere with and dilute Opposer's valuable goodwill in its Star Trek Marks, including its TRICORDER mark in violation of Sections 2(f), 13(a), and 43(c) of the Lanham Act, 15 U.S.C. §§ 1052(f), 1063(a), and 1125(c); and
- (d) give color of exclusive statutory rights to Applicant in violation and derogation of Opposer's prior and superior rights.

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WHEREFORE, Opposer believes that it will be seriously damaged by said registration and, therefore Opposer, by its undersigned attorneys, respectfully requests that its opposition be sustained and that the Application for registration be denied.

Dated: New York, New York
September 4, 2014

Respectfully submitted,

CBS STUDIOS INC.

By: 

Mallory Levitt
Attorney for Opposer
CBS Studios Inc.
c/o CBS Corporation Law
51 West 52nd Street
New York, NY 10019
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Exhibit A

THERANOS TRICORDER – Serial No. 85/737,200

IC 005. US 006 018 044 046 051 052. G & S: Biological and chemical preparations, namely, antibodies for clinical, medical or veterinary use to detect and analyze substances; diagnostic kits for medical or veterinary use, comprised of medical diagnostic reagents and assays for testing blood and other body fluids; diagnostic preparations for medical or veterinary purposes; testing kits comprised of medical diagnostic reagents and assays for testing bodily fluids; medical diagnostic test kits comprised of reagents and assays for testing of body fluids; medical diagnostic and monitoring test strips for use in the detection of a wide variety of diseases and health conditions; test strips for medical analysis of blood and other body fluids

IC 009. US 021 023 026 036 038. G & S: Computer software for healthcare monitoring; computer software for medical diagnostics testing and monitoring and for communicating medical test results to patients and service providers in the medical and healthcare fields; computer software for use in bio monitoring of humans and of animals; computer software for medical monitoring and analysis of medical data; computer software for controlling the operation of medical test equipment and test results; computer software for analysis of body fluids; computer software for communication and data transfer between health care professionals and patients; computer hardware; mobile electronic devices, namely, personal digital assistants, tablet computers, mobile phones, smart phones, and other cellular or wireless communication devices for voice, data or image transmission; portable bio monitoring devices not for medical purposes; electronic publications, namely, downloadable newsletters in the field of medical diagnostic testing, downloadable e-zines, magazines, books, manuals, pamphlets, and journals, all in the fields of healthcare, medicine, personal health and fitness, bio monitoring, medical diagnostics, monitoring and testing; electronic diaries; laboratory apparatus, for use in medical laboratories, for analysis of body fluids and tissue

IC 010. US 026 039 044. G & S: Medical devices, namely, portable bio monitoring devices; medical devices, namely, point of care and handheld devices for analysis of drugs, proteins and other substances, and wireless transfer of medical data; medical measuring apparatus, namely, equipment for medical monitoring and analysis of body fluids and tissue; medical measuring apparatus, namely, cartridges for use with therapies or equipment for medical monitoring and analysis of substances; apparatus for blood analysis; apparatus for taking blood samples; blood testing apparatus; apparatus for urine analysis for medical diagnostics, monitoring and reporting; medical diagnostic, monitoring and reporting apparatus for biological tissue or fluid analysis; apparatus for clinical diagnosis; containers especially made for processing blood samples for medical purposes; devices for monitoring blood sugar; electronic diagnostic apparatus, namely, analytic apparatus for the detection of a wide variety of diseases; health monitoring devices, namely, personal medical monitors of blood pressure, pulse, and blood oxygen, blood glucose, blood composition, cholesterol and temperature for monitoring a wide variety of physical conditions and diseases; medical diagnostic apparatus, namely, blood pressure, pulse, and blood oxygen, blood glucose, blood composition, cholesterol and temperature monitors for diagnosing a wide variety of physical conditions and diseases; medical apparatus and instruments for monitoring blood properties; medical devices for obtaining body fluid samples; medical monitors for monitoring a wide variety of physical conditions and diseases, namely, individualized, electronic monitors for measuring biochemical, hematological, neurological, pulmonary, muscular and cardiac activity. home or portable monitors for monitoring a wide variety of physical conditions and diseases, namely, individualized, electronic monitors for measuring biochemical, hematological, neurological, pulmonary, muscular and cardiac activity; medical apparatus in the nature of mobile electronic devices, namely, testing, monitoring and reporting devices for medical and healthcare purposes for individualized medicine and healthcare; portable bio monitoring devices for medical purposes

IC 035. US 100 101 102. G & S: Compiling of information into computer databases; management and compilation of computerized databases; providing an internet-based database of patient medical information designed to facilitate sharing and maintenance of patient medical information between and amongst the patient, insurers and healthcare professionals providing services to the patient

IC 042. US 100 101. G & S: Medical and scientific research services in the fields of blood analysis health care and health care monitoring; blood analysis services; chemical laboratories; biological research; biomedical research; laboratory research in the field of chemistry, biochemistry, biology, health and medicine; medical laboratories; medical laboratory services; scientific laboratory services; providing a web site featuring technology that enables patients, physicians, insurers and other healthcare providers to generate, manage and exchange medical information

IC 044. US 100 101. G & S: Medical evaluation services; medical evaluation services, namely, assessment of patients undergoing medical treatment; medical diagnostic monitoring services; medical monitoring services, namely, monitoring the efficacy of therapy and total patient or consumer health; medical diagnostic testing, monitoring and reporting services; collection and preservation of human and animal blood; consulting services in the field of health; consulting services in the field of diagnostic medical testing; consulting services in the fields of health and healthcare; drug use testing services; drug, alcohol and DNA screening for medical purposes; health assessment services; health care; maintaining patient medical records and files; medical counseling; medical information; medical screening; medical services; medical testing for diagnostic or treatment purposes; providing a web site featuring medical information; providing a website featuring health and healthcare information; internet-based health care information services; providing health information; providing healthcare information

Exhibit B

Trademark	Registration No.	Registration Date
TRICORDER	4194205	August 21, 2012

United States of America
United States Patent and Trademark Office

TRICORDER

Reg. No. 4,194,205

Registered Aug. 21, 2012

Int. Cl.: 28

TRADEMARK

PRINCIPAL REGISTER

CBS STUDIOS INC. (DELAWARE CORPORATION)
4024 RADFORD AVENUE
STUDIO CITY, NY 91604

FOR: MODEL TOY MULTIFUNCTIONAL HANDHELD DEVICE USED FOR SENSOR
SCANNING, DATA ANALYSIS, AND RECORDING DATA, IN CLASS 28 (U.S. CLS. 22, 23,
38 AND 50).

FIRST USE 12-31-1994; IN COMMERCE 12-31-1994.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-510,404, FILED 1-6-2012.

DOUGLAS LEE, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

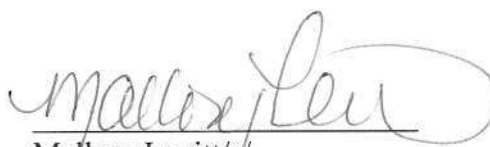
Exhibit C

Trademark	Application No.	Application Date	Date of Publication
TRICORDER	86313287	June 18, 2014	41
TRICORDER	86313304	June 18, 2014	42
TRICORDER	86313296	June 18, 2014	44
TRICORDER	86313333	June 18, 2014	5
TRICORDER	86313324	June 18, 2014	9
TRICORDER	86313313	June 18, 2014	10

CERTIFICATE OF SERVICE

I do hereby certify that on this 4th day of September, 2014, a true and correct copy of the foregoing NOTICE OF OPPOSITION has been transmitted by first class mail, postage prepaid, with a courtesy electronic copy also delivered by e-mail transmission to:

Sally M. Abel, Esq.
Fenwick & West LLP
801 California Street
Mountain View, CA 94041-1990
trademarks@fenwick.com; sable@fenwick.com

A handwritten signature in cursive script, appearing to read "Mallory Levitt", written over a horizontal line.

Mallory Levitt/s/
Counsel for Opposer
CBS Studios Inc.